

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARJORIE FERRELL, <i>et al.</i> ,)	
)	No. C-1-01-447
Plaintiffs,)	Judge Sandra S. Beckwith
v.)	Magistrate Judge Timothy S. Hogan
WYETH-AYERST LABORATORIES, INC.,)	
<i>et al.</i> ,)	
Defendants.)	
)	

**WYETH'S OPPOSITION TO PLAINTIFFS' MOTION TO
EXTEND THE TIME FOR SETTING A BRIEFING SCHEDULE
ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Defendant Wyeth respectfully submits this opposition to plaintiffs' motion for an indefinite deferral of the deadline for responding to Wyeth's summary judgment motion.

ARGUMENT

On August 16, 2006, plaintiffs filed a "Motion to Extend the Time for Setting a Briefing Schedule on Defendants' Motion for Summary Judgment," which asks this Court to defer plaintiffs' deadline for responding to Wyeth's summary judgment motion until an undetermined date after completion of a mediation session scheduled on August 30, 2006 in connection with the indirect purchaser suit in California (*Blevins v. Wyeth-Ayerst Labs., Inc.*, Case No. 324380 (San Francisco Sup. Ct.)). The *Blevins* mediation session provides no basis for excusing plaintiffs from their obligation to respond to Wyeth's summary judgment motion in this case, and certainly has nothing to do with plaintiffs' motion for voluntary dismissal in this case. The *Blevins* mediation was scheduled prior to this Court's August 4, 2006 hearing on plaintiffs' Rule 41(a)(2)

voluntary dismissal motion; the mediation session was *not* an effort to respond to this Court's offer to allow the parties to try to work out their differences on that motion prior to August 18. While Wyeth has informed the California mediator that he should address the possibility of a "global" settlement that would include all Premarin cases pending against Wyeth -- and not just *Blevins* -- the prospect of any such global settlement is sufficiently unlikely that it provides no basis for any stay of deadlines in *Ferrell*.¹

CONCLUSION

Wyeth respectfully requests that the Court deny plaintiffs' motion to extend the time for briefing summary judgment.

Respectfully submitted,

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Dated: August 22, 2006

DC#1683457

¹ Plaintiffs made no effort to meet and confer with Wyeth on a briefing schedule prior to filing their motion asking the Court to do so. If plaintiffs are interested in trying to agree upon a mutually acceptable briefing schedule for summary judgment, they should contact Wyeth rather than burdening the Court in the first instance with such a request.

CERTIFICATE OF SERVICE

This is to certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that I have mailed by first-class U.S. Mail, postage prepaid, the document to the following non-CM/ECF participants:

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